IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :14452 of 2006

Dated: 14th July 2006.

Between:

M.V.Suryanarayana

..... PETITIONER

AND

The Deputy Transport Commissioner and Secretary, Regional Transport Authority, East Godavari District ad Kakinada and another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION NO :14452 of 2006

ORAL ORDER:
(Per the Hon'ble Sri Justice J.Chelameswar)

The petitioner claims to be the owner of a vehicle bearing No. AP 05 u 4286, which was checked and seized by the 2nd respondent on 16-06-2006, for the following irregularities:

> "Stopped and checked the above said vehicle while proceeding from Antharvedhi to Bhimavaram with marriage party and found the following
> 1. No proof of tax payment for Q.E. 30-09-2005, 31-12-2005, 31-03-2006 and 30-06-2006
> 2. FC expired, 3. No DL for non transport vehicle and no I.C. Hence, seized the vehicle U/s 8 of A.P.M.V.T. Act and u/s 207 of M.V. Act and kept at Malkipuram Police Station for safe custody."

Hence, the present writ petition with the prayer as follows:

> "For the reasons stated in the accompanying affidavit the petitioner herein pray that this Hon'ble court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the seizure and continued detention of petitioner's L.M.V. –Maxi Cab vehicle (TATA Sumo Jeep) bearing R.No.AP 05 U 4286 seized

under vehicle check report No.0989048, dt.16-6-2006 by the 2nd respondent as arbitrary, illegal, unjust, unconstitutional and without jurisdiction and consequently direct the respondents to forthwith release the petitioner's vehicle bearing R.No. AP 05 U 4286, to the petitioner and to pass such other order or orders."

Heard the learned Government Pleader for Transport.

In the circumstances, we are of the opinion that the ends of justice would be met by disposing the writ petition at this stage, directing the respondents to release the abovementioned vehicle, on condition of the petitioner paying the entire amount of tax due. Further, it is directed that the respondents shall conclude the enquiry expeditiously, preferably, within a period of four weeks from the date of receipt of a copy of this order, adverting to the various allegations made in the vehicle check report and pass an appropriate order.

With the above directions, the writ petition is disposed of at the stage of admission.

J.Chelameswar, J

D.Appa Rao, J

14th July 2006

mrk